

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CALVIN J. LEAVY, JR.,

CV F 05-00314 AWI SMS HC

Petitioner,

ORDER DIRECTING RESPONDENT TO
SUBMIT COMPLETE COPY OF COURT OF
APPEAL'S DECISION DATED, FEBRUARY
9, 2004

v.

R. KIRKLAND,

Respondents.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The instant petition is ready for review on the merits. However, in reviewing a copy of the state court records submitted by Respondent, the copy of the Fifth District Court of Appeals opinion, dated February 9, 2004, is incomplete. It only contains a copy of the odd numbered pages. Accordingly, within **five (5)** court days from the date of service of this order, Respondent is directed to re-submit a complete copy of the Court of Appeal's decision, dated February 9, 2004.

IT IS SO ORDERED.

Dated: October 10, 2006
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE